

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FRANCISCO MENDOZA, MIGUEL
MARTINEZ and KEVIN RODRIGUEZ,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CARDINAL MULTI SERVICES LLC and
WILSON O. AGUILAR,

Defendants.

Civil Action No. 21-cv-00685

ORDER

The parties hereto having filed a Joint Motion for Final Approval of Settlement (“Joint Motion”) and having come before the Court for the Court’s final approval of a settlement reached through mediation with the Court on November 16, 2021; and the Court having carefully considered the circumstances of the case and the relevant factors for approving settlement of claims under the federal Fair Labor Standards Act; and the Court having found such settlement to be fair and just under such factors, it is hereby:

ORDERED that the Joint Motion is hereby GRANTED in its entirety; and it is further

ORDERED that the settlement agreed upon by the Parties as reflected in the Joint Motion is hereby APPROVED; and it is further

ORDERED that:

(a) The amounts of the settlement payments to Plaintiffs, as described in the Joint Motion, are APPROVED;

(b) The Plaintiffs' release of their claims in exchange for the consideration provided by Defendants, under the terms of the Joint Motion, is hereby APPROVED;

(c) The Service Award payments to the three Named Plaintiffs are hereby APPROVED;

(d) The Attorneys' Fees and Expenses Payment to Collective Class Counsel is hereby APPROVED;

It is further ORDERED as follows:

(a) Following entry of this Order and by no later than December 22, 2021, Plaintiff's Counsel shall deliver to counsel for Defendants the appropriate IRS Forms and the General Release form executed by each of the Plaintiffs referenced in the Joint Motion. In the event that Plaintiff's Counsel is unable to deliver to counsel for Defendants the above-referenced documents for any particular Plaintiff, then the amounts attributable to any such particular Plaintiff shall not be payable to that Plaintiff by the due dates referenced below, but shall be payable within 10 days following receipt of such documents. Pursuant to the terms of the Joint Motion, Defendants shall deliver payments to Plaintiffs' Counsel on the specified dates, as follows:

(i) **On or Before December 31, 2021:** Cardinal shall provide separate checks payable to each of the nine Plaintiffs in the amount of their respective wage claims in the amounts set forth in the Joint Motion. The Parties agree that these checks shall be subject to payroll tax withholdings. The cumulative gross total of these nine checks before withholding is \$23,125.

(ii) **On or Before December 31, 2021:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$16,875.

(iii) **On or Before January 31, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(iv) **On or Before February 28, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(v) **On or Before March 31, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(vi) **On or Before April 30, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(vii) **On or Before May 31, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(viii) **On or Before June 30, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(ix) **On or Before July 31, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(x) **On or Before August 31, 2022:** Cardinal shall provide a check payable to the Murphy Anderson PLLC Trust account in the amount of \$7,500.

(b) Plaintiffs' Counsel shall distribute all payments made to the Murphy Anderson PLLC Trust account in accordance with the amounts set forth in the Joint Motion;

(c) Cardinal shall issue the required Forms W-2 and 1099 in accordance with the allocations described in the Joint Motion and in accordance with IRS requirements;


(d) Within 10 days of receipt from each Plaintiff of the documents referenced above, the Defendants shall execute and deliver to counsel for Plaintiffs a Confessed Judgment Promissory Note in favor of each such Plaintiff in the form appended to the Motion as Exhibit D;

(e) The above-captioned Lawsuit, and all claims asserted therein, is hereby DISMISSED WITH PREJUDICE.

The Court shall retain jurisdiction over this case for purposes of enforcing the terms of the Agreement, if necessary.

ENTERED this 14th day of December, 2021.

Alexandria, Virginia


/s/
Theresa Carroll Buchanan
THERESA CARROLL BUCHANAN
United States Magistrate Judge
UNITED STATES MAGISTRATE JUDGE